



19 MAR 2009

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OHLAND, GREELEY, RUGGIERO & PERLE, LLP
One Landmark Square, 10th Floor
Stamford, CT 06901

In re Application of :
DVIC *et al* :
U.S. Application No.: 10/536,555 :
PCT No.: PCT/US02/12443 :
Int. Filing Date: 08 July 2005 :
Priority Date: 19 July 2004 :
Docket No.: 00022779USU/2279 :
For: APPARATUS AND METHODS FOR :
THE SEMI-AUTOMATIC TRACKING :
AND EXAMINING OF AN OBJECT OR :
AN EVENT IN A MONITORED SITE :
DECISION

This is a decision on the petition to withdraw the holding of abandonment filed 14 January 2009.

BACKGROUND

On 10 November 2008, a decision was mailed indicating that an executed declaration purportedly filed 05 June 2008 was not located in the file.

On 19 December 2008, the DO/EO/US mailed a Notification of Abandonment (Form PCT/DO/EO/909) for failing to reply to the Form PCT/DO/EO/905 mailed 24 October 2007.

On 05 June 2008, applicants filed the subject petition which was accompanied by, *inter alia*, a copy of papers purportedly filed 05 June 2008 and a postcard receipt for those documents.

DISCUSSION

MPEP § 503 lists procedures to ensure receipt of any paper filed in the USPTO. A postcard receipt which itemizes and properly identifies the papers which are being filed serves as *prima facie* evidence of receipt in the USPTO of all the items listed thereon on the date stamped thereon by the USPTO.

In this case, applicants have provided a copy of the date-stamped postcard receipt for documents submitted 05 June 2007. The postcard receipt records that among the papers received in the USPTO included a "Declaration." The postcard receipt is stamped "Rec'D PCT/PTO 05 JUN 2008" across its face. The U.S.

application number and docket number are listed on the postcard receipt. Applicants also provided a copy of the declaration and response filed 05 June 2007.

Applicants have provided *prima facie* evidence that the declaration was originally received by the USPTO on 05 June 2007. This response is within the time period given by the Form PCT/DO/EO/916 mailed 23 May 2008.

DECISION

For the reasons noted above, applicants' petition to withdraw the holding of abandonment is **GRANTED**.

The Form PCT/DO/EO/909 mailed 19 December 2008 is hereby **VACATED**.

The declaration originally filed 05 June 2007 is in compliance with 37 CFR 1.497(a) and (b). Applicants have completed the requirements for acceptance under 35 U.S.C. 371(c). The application has an international filing date of 08 July 2005 under 35 U.S.C. 363, and a 35 U.S.C. 371 date of 05 June 2007.

This application is being forwarded to the Office of Patent Application Processing for further processing in accordance with this decision.



James Thomson
Attorney Advisor
Office of PCT Legal Administration

Tel.: (571) 272-3302